

Weinert  
Winfield

York

Absent—Excused

Kelley

Spears

**Adjournment**

Senator Lemens moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 6:15 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**FIFTY-SIXTH DAY**

(Friday, April 18, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

A quorum was announced present.

At the request of the President, the Senate rose and stood in silent prayer, the Chaplain not being present to offer the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leave of Absence Granted**

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

**Reports of Standing Committees**

Senator Ramsey submitted the following reports:

Committee Room,  
Austin, Texas,  
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, the Committee on Counties and County Boundaries, to whom was referred

H. B. No. 869, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than twenty thousand and fifty (20,050) and not more than twenty thousand, one hundred and fifty (20,150) according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling in connection with the use of his automobile on official business; requiring each such commissioner to pay the expense of operation and repair of such automobile so used by him without further expense to the county; and declaring an emergency."

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Committee Room,  
Austin, Texas,  
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, the Committee on Counties and County Boundaries, to whom was referred

H. B. No. 868, A bill to be entitled "An Act authorizing the commissioners' court in any county having a population of not less than twenty-seven thousand and fifty-nine (27,059) and not more than twenty-seven thousand, one hundred and fifty (27,150), according to the last preceding Federal Census, to allow each county commissioner certain expenses for traveling; providing for the purchase of automobiles by the county for the use of the county commissioners on official business; providing for the method of purchase; and declaring an emergency."

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

**Senate Bill 432 on First Reading**

Senator Hill moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York

Absent

Beck	Moore
Martin	Shivers

Absent—Excused

Spears

The following bill then was introduced, read first time and referred to the Committee on Judicial Districts.

By Senator Hill:

S. B. No. 432, A bill to be entitled "An Act to amend Section 8, of H. B. No. 226, Chapter 4, Acts 1935, Forty-fourth Legislature, Regular Session, page 11, as amended by Section 1 of H. B. No. 82, Chapter 34, Acts 1937, Forty-fifth Legislature, Second Called Session, page 1915, to provide that the Special District Court of Gregg County Texas, created by H. B. No. 226 of the Regular Session of the Forty-fourth Legislature shall automatically cease to exist upon the effective date of this Act; and declaring an emergency."

**Report of Standing Committee**

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 432, A bill to be entitled "An Act to amend Section 8 of H. B.

No. 226, Chapter 4, Acts 1935, Forty-fourth Legislature, Regular Session, page 11, as amended by Section 1 of H. B. No. 82, Chapter 34, Acts 1937, Forty-fifth Legislature, Second Called Session, page 1915, to provide that the Special District Court of Gregg County, Texas, created by H. B. No. 226 of the Regular Session of the Forty-fourth Legislature shall automatically cease to exist upon the effective date of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

RAMSEY, Chairman.

**Senate Bill 432 on Second Reading**

Senator Hill moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 432 be placed on its second reading and passage to third reading and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York

Absent

Beck	Moore
Martin	Shivers

Absent—Excused

Spears

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

**Senate Bill 432 on Third Reading**

The President then laid S. B. No. 432 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lovelady
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York

Absent

Beck	Moore
Martin	Shivers

Absent—Excused

Spears

**Message from the House**

The Chief Clerk of the House was recognized by the President to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the following resolution:

H. C. R. No. 97, Providing for a Joint Session of the House and Senate at 10:30 on the morning of Friday, April 18, 1941.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

**Senate Bill 433 on First Reading**

Senator Winfield moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Chadick
Brownlee	Cotten

Fain	Metcalf
Formby	Moffett
Graves	Ramsey
Hazlewood	Smith
Hill	Stone
Isbell	Sulak
Kelley	Van Zandt
Lanning	Vick
Lemens	Weinert
Lovelady	Winfield
Mauritz	York

Absent

Beck	Moore
Martin	Shivers

Absent—Excused

Spears

The following bill then was introduced, read first time and referred to the Committee on Counties and County Boundaries:

By Senator Winfield:

S. B. No. 433, A bill to be entitled "An Act authorizing any city or county of the State, acting separately or jointly, to acquire lands for the use of the United States Government, either by lease for a term of years or in fee simple title; authorizing the appropriation of any available funds of any such city or county for the payment of such lands; authorizing the issuance of time warrants in payment thereof; authorizing the condemnation of lands for such purpose, either for a period of years or in fee simple; authorizing the taking of possession of said lands, immediately after filing condemnation suit, upon depositing with the county clerk the amount of money estimated by the commissioners' court or city council of the city or county involved to be just compensation for the interest taken; providing for the deposit of any additional amount found by the special commissioners in condemnation where the compensation found to be just is greater than the amount fixed by the commissioners' court; authorizing any such city or county to contract with the United States Government or its agencies, obligating itself to acquire lease-hold interest or fee simple title in land and validating any such agreement heretofore executed by any such city or county with the United States Government; providing that unconstitutionality of any part of the law shall not invalidate the remainder; and declaring an emergency."

**House Concurrent Resolution 97**

The President laid before the Senate for consideration at this time: H. C. R. No. 97, Providing for a Joint Session of the House and Senate at 10:30 on the morning of Friday, April 18, 1941.

The resolution was read and was adopted.

**Senate Bill 434 on First Reading**

Senator Aikin moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York

Absent

Beck	Moore
Martin	Shivers

Absent—Excused

Spears

The following bill then was introduced, read first time and referred to the Committee on Public Debts, Claims and Accounts.

By Senator Aikin:

S. B. No. 434, A bill to be entitled "An Act making appropriation to pay past due rent on armories from March 1, 1932 to August 31, 1932, under lease to the National Guard of the State of Texas, and authorizing payment of said rent on taking effect of this Act; ratifying and confirming lease contracts made during this period by the Adjutant General of the State of Texas; and declaring an emergency."

**Senate Bill 435 on First Reading**

Senator Sulak moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing

a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Ramsey
Formby	Smith
Graves	Stone
Hazlewood	Sulak
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York

Absent

Beck	Moore
Martin	Shivers

Absent—Excused

Spears

The following bill then was introduced, read first time and referred to the Committee on Agriculture.

By Senator Sulak:

S. B. No. 435, A bill to be entitled "An Act to provide for the use of net weights in transactions in Texas cotton, to provide for standardization of bale covering for cotton produced in this State, to define certain terms, to provide for the enforcement of this Act and for the rules and regulations promulgated thereunder; to provide penalties for violations of the provisions of this Act, to provide for appropriations, a saving clause; and declaring an emergency."

**Senate Bill 436 on First Reading**

Senator Stone moved that Section 5 of Article 3 of the Constitution be suspended to permit his introducing a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—27

Aikin	Hazlewood
Brownlee	Hill
Chadick	Isbell
Cotten	Kelley
Fain	Lanning
Formby	Lemens
Graves	Lovelady

Martin	Sulak
Mauritz	Van Zandt
Metcalf	Vick
Moffett	Weinert
Ramsey	Winfield
Smith	York
Stone	

Absent

Beck	Shivers
Moore	

Absent—Excused

Spears

The following bill then was introduced, read first time and referred to the Committee on Civil Jurisprudence.

By Senator Stone:

S. B. No. 436, A bill to be entitled "An Act to amend Article 3333 of Title 54 of the Revised Civil Statutes of Texas, Revision of 1925 as amended, by providing that the citation therein provided to be issued by the clerk shall be directed to the sheriff, or any constable of the county where the proceeding is pending, validating written wills heretofore probated and letters of administration heretofore granted upon citations or notices not so directed, but conforming to the other requirements of said Article 3333, providing that this amendment shall not apply in certain cases; and declaring an emergency."

**Senate Bill 65 Returned to the House**

On motion of Senator Metcalfe and by unanimous consent, the request of the House for the return of S. B. No. 65 was granted.

**Senate Resolution 97**

Senator Metcalfe offered the following resolution:

Be It Resolved by the Senate of the State of Texas, That Senate Rule 25 be amended so as to read hereafter as follows:

"25. While a member has the floor, no member shall interrupt the business of the Senate, except for the purpose of making a point of order, calling him to order, or for the purpose of demanding that a point of order under discussion or consideration be immediately decided; and any member shall, though another member has the floor, be recognized

by the presiding officer, and be in order to call to order the member, to make a point of order, or to demand that a point of order be immediately decided."

The resolution was read and was referred to the Committee on Rules.

**Advance Printing of House Joint Resolution 1**

On motion of Senator Moffett, and by unanimous consent, it was ordered that H. J. R. No. 1 be printed in advance of its consideration in committee.

**Motion to Set Senate Bill 8 as Special Order**

Senator Chadick moved that S. B. No. 8 be set as a special order for Tuesday, April 29, 1941, immediately after the morning call on that day.

Question—Shall the motion prevail?

**Joint Session**

(To Hear Message of the Governor)

At 10:30 o'clock a. m., the President announced that the hour heretofore fixed by concurrent action of the two Houses for a joint session to hear a message of the Governor had arrived, and he requested the Senators to proceed in a body to the Hall of the House of Representatives.

The Senate was announced at the Hall of the House, and the Senators were admitted and escorted to seats prepared for them along the aisle.

The President of the Senate, by invitation of the Speaker, occupied a seat on the Speaker's stand.

The President announced the purpose of the joint session, and directed the Secretary to call the roll of the Senate.

The roll of the Senate was called, and a quorum was announced present.

The members of the House were asked to register, and a quorum of the House was announced present.

Hon. W. Lee O'Daniel was announced at the Hall of the House and was admitted and escorted to the Speaker's desk by Representatives Daniel, Goodman, Favors, Davis and Price.

The Speaker presented Representative Price Daniel, who presented Governor O'Daniel to the joint session.

Governor O'Daniel then addressed the joint session as follows:

To the Members of the Forty-seventh Legislature:

Today I desire to give you some important statistical information which may be of some benefit to you in deciding a very important matter now before you, namely, the abolition of a practice which is in direct violation of God's Commandment, "Thou Shalt Not Kill."

I shall read to you a sermon delivered by one of our foremost students and authorities on religious history, Dr. M. E. Sadler, Pastor of the Central Christian Church of Austin, Texas:

Sermon on Capital Punishment  
by Dr. M. E. Sadler at Central  
Christian Church, Austin  
Texas, Sunday, March  
5, 1939.

As a part of the Sermon on the Mount Jesus said, "You have heard, 'An eye for an eye, and a tooth for a tooth,' but I say unto you, . . ."

It is our firm conviction that no problem in life is foreign to religion, and certainly any question which deals with the life and death of human beings is basically a religious question. I am, therefore, happy this morning to comply with many requests and preach on the subject of capital punishment.

I believe that many of you know that I would not approach any discussion such as this without a very careful examination of the most authoritative and helpful studies and sources available.

The people gathered in this sanctuary might be divided into three groups,—there are those who are opposed to capital punishment,—those who are in favor of it,—and those who have never bothered to think about it very much, but just accept it as a matter of course, without any decided opinion one way or the other.

In the course of this sermon I may express my personal opinion concerning the matter, but I assure you that will be a very incidental part of the sermon. What I happen to believe about it is relatively unimportant, but the chief desire back of this sermon and the burden of this message will be to bring to our minds the essential, constructive, Christian principles, which we ought to have in mind as we face this important question.

May I begin by calling to our attention some important facts with which many of you are already quite familiar.

Not many generations ago capital punishment in very horrible forms was universally practiced,—today its use is greatly restricted. At least sixteen foreign countries have abolished it, twelve States in the United States,—it is optional with the Court and the Jury in twenty-four States,—it is the compulsory penalty for certain crimes in twelve of our States. Its use has been greatly restricted during the past two centuries. For example, in 1780 two hundred and forty crimes were punishable by death in England, including unlawful fishing and hunting, and destroying growing trees. In the Colonial days here in America from ten to seventeen crimes were punishable by death, including the rebellion of a son against his father if the son were 16 years of age or more,—witchcraft, blasphemy, etc.

It has not only been increasingly restricted in its use but the methods have been increasingly refined. It has not been so long since capital punishment was practiced in the most terrible way imaginable. Even in Colonial days in this country there was the burning alive at the stake, vast public hangings. However, most of those practices have been done away now. We have private executions, electrocutions, gas and more modified and refined methods of carrying out this practice.

When I began the study of this important question I brought to that study certain definite assumptions. I had an opinion about it and I had certain definite assumptions. One of those assumptions was that whatever else we might say about capital punishment, at least it served to deter people from crime. In all honesty, I must say to you this morning that the facts which I was able to discover did not substantiate that assumption. I looked at the records over a period of ten years in states which have abolished capital punishment and which have not, and I picked out several comparable states in the same section of our country and I found, for example, that in Maine, without capital punishment, the homicide rate is 1.8 per 100,000 population, while in Connecticut with capital punishment, the homicide rate is 3.2 per 100,000. Then I examined the figures over a ten-year period in other comparable states and noticed that in Kansas, for example,

without capital punishment, the homicide rate is 6.2, while in Missouri, with capital punishment, the homicide rate is 9.1. I discovered that over a ten-year period that as a matter of fact, the states which have capital punishment are the states which have the highest rate of murder. I was turned, therefore, from my first assumption that capital punishment deters people from crime, not as a matter of opinion, but as a matter of fact. There seems to be no justification for the assumption that capital punishment does deter people from crime.

My next assumption was that at least capital punishment serves to reduce lynchings, and I examined as carefully as I could the facts with reference to that point and I looked at the history of states which do and do not have capital punishment and tried to pick out comparable states. Two of the states in the middle west that join each other, very comparable in population, over a period of 28 years, the state which does not have capital punishment had one lynching, and the state which does have capital punishment had 65 lynchings. I studied the history of five states before and after they abolished capital punishment and I discovered that the states had a higher rate of lynchings before they abolished capital punishment than they had after they abolished it. Actually, my friends, and many of you know this to be true general knowledge, the states in the United States which most rigorously enforce capital punishment are the states which have the most lynchings.

Capital punishment does not permit any corrections in error of judgment. I do not care to dwell on this, because in my opinion, our Courts are becoming increasingly efficient. I wholeheartedly believe in our Courts. I know that they are just as intelligent and just as careful as they can possibly be, but yet the fact is, and the people of the Courts would be the first to say this, that the judgment of the Court is not infallible. You will recall to your minds certain definite and notable illustrations of this,—perhaps some of you may remember the famous Leo Franks case of Georgia, or the Rosenthal case of New York, or the Dr. Hamilton case of Kentucky, in which people were convicted and executed for crimes for which they were later found to be innocent. As a matter of fact the execution of innocent people led to the

abolition of capital punishment in several states.

So much for these facts which I think we ought to have before us.

I am concerned this morning with the basic foundations and principles involved. Why, my friends,—why should we have any punishment practices? I think we all, in our saner moments, and certainly as Christians, are forced to dismiss as unworthy the thought of retaliation, of getting even, "An eye for an eye, a tooth for a tooth." If someone hits me, I will hit him,—if someone says something mean about me, I will say something meaner about him. The animal in us moves on that level, and no one of us is entirely free from it, and yet in our saner moments we know that it is not the best way and certainly we know it is not the Christian way. Not only the teachings of Jesus but the whole trend of His life lead in exactly the opposite directions. Paul said that according to the teachings of Jesus we should overcome evil with good. No matter what my natural inclinations may be, no matter what I may say whenever I am aroused, in my saner moments I know, just as every person here this morning knows, that retaliation is not worthy of me, as a Christian gentleman. It is not the basis on which I, as an individual, or we, as a group, can project our living.

It seems to me that there are three legitimate functions of punishment practice; the first is to serve as a warning and as a deterrent from crime. The facts that Dr. Raymond Bye of the University of Pennsylvania assembled in his study, "Capital Punishment in the United States," led him to the significant conclusion, and I wish that I might emphasize it sufficiently this morning, the deterrent effect of law depends not upon the particular kind of penalty, but upon the efficiency with which the law is executed. In the judgment of many informed people with whom I have talked, the reason our crime rate is seven times, and our murder rate twenty times that of England is because of the efficiency with which their criminals are brought to trial and sentenced. The possibility of not being caught, and the greater possibility of long-drawn-out legal maneuvers are two of the most conducive factors to crime in the United States at the present time. And there is one additional factor which in all fairness ought to be mentioned in this connection. Those who have had most expe-

rience in the Courts will be the first to recognize that the existence of capital punishment hinders the speedy trial and execution of the law. Ask any prosecutor whether or not it is easy to get a verdict of guilt if the penalty is death! And we do not have just to guess at this. In the States in the United States, and I am giving you definite figures now,—in the States which have abolished capital punishment, of those who are indicted for murder, 30% are convicted; in the States which have not abolished capital punishment, of those who are indicted for murder, only 20% of them are convicted.

The second function of punishment practices is to remove from society those who constitute a menace and danger to its welfare and orderly life,—all countries, and all States in the United States recognize the necessity of this. There are individuals who for various reasons have become dangerous to society. They have become anti-social, warped and exceedingly dangerous, and it is wise for society to provide ways to remove such individuals from the normal areas of life,—to do something with them which will eliminate their dangers to society. One way of doing this is through capital punishment. But as demonstrated in many foreign countries and in several States, there are other effective and satisfactory ways. Capital punishment cannot be justified on this ground since there are other effective ways of accomplishing the purpose. These other ways are far more effective than they have ever been before.

I say to you that the most fundamental, and in our saner moments, we know that the most fundamental purpose of all punishment practices is reformation. By placing the individual in a controlled situation where he will not have the possibility of practicing his habit of crime. By carefully examining his life to determine if possible the causes, the mental, the physical, and the environmental causes, of his crime. (If I had time this morning, I would like to pause and pay tribute to the start which has been made in Texas in this direction.) By trying through constructive work and intelligent guidance to re-organize the person's life, his attitude, actions and desires. You know that it can be done. If you question the possibility of it on a vast scale, then read, if you please, the writings of men like Mr. Z. R. Brock-

way, and Mr. Thomas Osbourne of New York, and Dr. M. Liepmann, Professor of Law at the University of Kiel, or Warden Towne of Wisconsin. Read their writings and be amazed at the number of persons who have been reformed and have come out as constructive, wholesome, desirable citizens in our society.

But I come to the approach which I think we have to make as Christians this morning. In approaching this problem we must do so on the background of our Christian idealism.

Many of you probably have been surprised that I have said nothing at all about the Old Testament commandment, "Thou shalt not kill," but I do not think it would be difficult to prove to any thoughtful group that Jesus never intended to do away with those Old Testament commandments,—He did intend to give them a deeper meaning and a broader scope.

But entirely aside from any legalistic commandment, we can look at the recognized ideals and teachings of Christ which have a definite bearing on this problem.

Take for example, Christ's constant emphasis concerning the infinite worth of human personality. Dr. Harry Emerson Fosdick rightly says that this is the most unique contribution of Jesus Christ to the religious life of the world. Christ taught more clearly than He taught most anything else that man is a child of God, created in the image of God, sharing the life of God,—human beings—weak, imperfect, sinful human beings are persons for whom Jesus Christ thought it worthwhile to die. Think that through, my friends, and then decide for yourselves what that means with reference to capital punishment.

Christ built His whole program on the possibility of transforming and reforming human life. He called about Him a group of ordinary, most ordinary and most unpromising men. He did that because he believed in the possibility of transformation and reformation in human life. He mingled with sinful people and wicked people and He welcomed them because He believed in the possibility of their transformation. Jesus believed that it is possible for a person to live a good life even for those in the most abject, sinful condition. Apart from this belief, there is not the slightest hope in the Christian message. Our religious life all falls in with the belief in the possibility of transforming and re-



forming human life—weak, sinful, wicked human life; and unless we, as Christians, have that clearly in our minds as we make our decisions concerning the practical details of life, then, by so much, we are failing to be truly Christians.

As I observed a moment ago, Christ thrusts aside as unworthy the thought of retribution.

"You have heard, 'An eye for an eye, a tooth for a tooth,' but I say unto you, . . ."

I know perfectly well that when I allow the animal to dominate my life, when I project myself on the basis of getting even—doing to somebody else something as bad as they have done to me—when I project my life on that level, no matter what I may say about it, no matter what my inclinations may be, down in my heart I know, just as every Christian knows, that I am not being Christlike. "An eye for an eye and a tooth for a tooth" will not do.

But His example and His constant teachings concerning constructive measures in the building of life, it seems to me, provide us with our most constructive club as we approach this mighty problem of crime in our own country.

Hear me, my friends, for just a moment now. I believe I am saying something that is just as fundamental as could be said, in the life of our nation, or from the viewpoint of a Christian. We reap what we sow. The problem of crime in the United States is not going to be solved by the imposition of any kind of severe penalty—the problem of crime in the United States is going to be solved only when we stop producing criminals, by eliminating the conditions which produce them. No normal person is born a criminal, and if he is abnormal he needs treatment, not punishment. Normal men and women learn to be criminals according to the same law by which they would learn to be constructive, wholesome men and women, if we cared enough to surround them with the influences and constructive forces which would make their lives wholesome and constructive.

The appalling fact, the shameful fact is that while we, in the United States, are paying more than thirteen

billion dollars annually for crime, the churches and the public schools are playing at the job of developing moral and religious character.

I pray that the time may soon come when we will abandon what seems to me to be the wholly unfounded notion that we can curb crime if we maintain sufficiently severe penalties, and supplant that with the constructive conviction that we can eliminate crime only as we eliminate the causes which produce criminals.

Men always have, they always will, reap what they sow.

We all know there have been cases of innocent persons being executed. Suppose your son or daughter or other loved one might be caught in this net and pay such an awful price on account of this law now on our statute books? I hope it shall never come home to any of you.

When a human life is taken by such a mistake that is a grave mistake that can never be corrected.

I am serious in this matter, and am speaking for some poor, unfortunate, innocent person who might get caught, and who would lack finances or friends to plead his case. I am pleading for the life of the unknown man—perhaps a dear relative of someone who now listens. Such is in the realm of possibility under our existing law. I am also pleading for the obedience of God's law—"Thou shalt not kill."

Last night on a radio news cast the Secretary of War made a strong statement relative to the absolute necessity of strengthening our Spiritual defense. It appears to me that this a good opportunity for the Great State of Texas to again lead the way in Spiritual Re-armament by throwing off this barbarous relic of the dark ages, and at least try God's Rules for a time.

### Senate Retires

At the conclusion of the address, the Senate repaired to its Chamber.

### In the Senate

The President called the Senate to order at 11:15 o'clock a. m.

### Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill and resolutions:

H. C. R. No. 95, Commending certain people for lending their aid in creating a greater demand for the use of cotton and urging others to lend their support of this work.

H. C. R. No. 96, Authorizing the State Highway Department of Texas to lend to the City of Mineral Wells sufficient quantities of discarded wire to protect the fish life of Lake Mineral Wells.

H. C. R. No. 98, Authorizing the State Highway Department of Texas to lend to the City of Groesbeck certain equipment.

S. B. No. 432, A bill to be entitled "An Act to amend Section 8 of H. B. No. 226, Chapter 4, Acts 1935, Forty-fourth Legislature, Regular Session, page 11, as amended by Section 1 of H. B. No. 82, Chapter 34, Acts 1937, Forty-fifth Legislature, Second Called Session, page 1915, to provide that the Special District Court of Gregg County, Texas, created by H. B. No. 226 of the Regular Session of the Forty-fourth Legislature shall automatically cease to exist upon the effective date of this Act; and declaring an emergency."

### Reports of Standing Committees

Senator Ramsey, by unanimous consent, submitted at this time, the following reports:

Austin, Texas,  
April 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 433, A bill to be entitled "An Act authorizing any city or county of the State, acting separately or jointly, to acquire lands for the

use of the United States Government, either by lease for a term of years or in fee simple title; authorizing the appropriation of any available funds of any such city or county for the payment of such lands; authorizing the issuance of time payment warrants in payment thereof; authorizing the condemnation of lands for such purpose, either for a period of years or in fee simple; etc.; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senate Chamber,  
April 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 577, A bill to be entitled "An Act prescribing additional duties for county auditors in all counties having not less than forty-one thousand, six hundred and eighty (41,680) inhabitants and not more than forty-two thousand, one hundred (42,100) inhabitants, according to the last preceding Federal Census; fixing the salaries of such county auditors; providing mode and manner of payment thereof; repealing all laws in conflict therewith; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Smith, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 683, A bill to be entitled "An Act providing that it shall be unlawful for any person to kill, wound, shoot at, hurt or molest any wild animals, wild birds, or wild fowl found within the bounds of any public park under control of the Texas State

Parks Board, at any season of the year; etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 843,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 870,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
April 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 542,

Have had the same under consideration, and beg to report back with the recommendation that it do pass and be not printed.

SMITH, Chairman.

Senator Beck, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
April 17, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Constitutional Amendments, to whom was referred

S. J. R. No. 4, Proposing to amend the Constitution of the State of Texas

so as to permit the furnishing of State official text books free to every child of scholastic age, attending any school within the State.

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with attached committee amendments and be printed.

BECK, Chairman.

#### Senate Bill 433 on Second Reading

Senator Winfield moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 433 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

#### Senate Bill 433 on Third Reading

The President then laid S. B. No. 433 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Chadick	Hill
Cotten	Isbell
Fain	Kelley

Lanning	Shivers
Lemens	Smith
Lovelady	Stone
Martin	Sulak
Mauritz	Van Zandt
Metcalfe	Vick
Moffett	Weinert
Moore	Winfield
Ramsey	York

Absent—Excused

Spears

#### Bills Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

S. B. No. 45, A bill to be entitled "An Act authorizing counties having an assessed valuation of not less than Twenty Million (\$20,000,000.00) Dollars and a population of not more than three (3) persons per square mile to vote, levy, assess and collect a county-wide school maintenance tax; providing for the apportionment and administration thereof; making other provisions related to such subject; repealing all laws in conflict herewith to the extent of such conflict; specifically repealing Chapter 7, Forty-third Legislature, First Called Session and Chapter 54, Forty-fifth Legislature, with the provision that such repeal shall not affect taxes heretofore levied thereunder; validating all Acts, done, elections held, for any purpose which are authorized by this Act, and validating taxes levied in such counties; and declaring an emergency."

S. B. No. 89, A bill to be entitled "An Act amending S. B. No. 161 of the Forty-sixth Legislature, Acts 1939, Special Laws, page 723, so as to exempt certain independent school districts created under Chapter 5, Acts 1930, Forty-first Legislature, Fifth Called Session, from the provisions of Article 2763, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

S. B. No. 179, A bill to be entitled "An Act creating a special road law for Coke County, Texas; providing that said county may fund or refund into coupon bonds the scrip and time warrants outstanding against its road and bridge fund as of the 28th day of February, 1941; setting forth the method of said funding or refunding;

validating all acts of the commissioners' court in issuing said scrip and time warrants; validating said scrip and time warrants; providing the General Laws of the State of Texas shall be applicable to Coke County when not in conflict herewith; providing this Act shall be cumulative of all general and special laws not in conflict herewith; providing a saving clause; and declaring an emergency."

S. B. No. 191, A bill to be entitled "An Act authorizing trustees of independent school districts to order an election to vote refunding bonds for the purpose of buying in bonds which have been previously issued without option of prior redemption and prescribing the method of holding such election; providing that as a prerequisite to ordering such election said trustees shall first obtain an option to purchase said outstanding bonds from the owners; at a stipulated price; providing that in no case shall the price paid for such bonds exceed thirteen (13%) per cent above par value; providing that the qualified voters be fully informed through notices and publications as herein provided; providing that it must appear that such refunding will result in a money saving to the school district; and declaring an emergency."

S. B. No. 213, A bill to be entitled "An Act providing for compensation to be paid county commissioners for their services as ex-officio road commissioners; providing for reimbursement of county commissioners for the use by such commissioners of their personal automobiles in traveling in the discharge of their duties as ex-officio road commissioners; and limiting the application of this Act to counties regularly maintaining in excess of one thousand (1,000) miles of county maintained roads and having an assessed valuation, according to the approved tax rolls for the last preceding year, exceeding Thirty-five Million (\$35,000,000.00) Dollars, repealing all laws or parts of law in conflict herewith; and declaring an emergency."

S. B. No. 289, A bill to be entitled "An Act to amend Article 4477 of the Revised Civil Statutes of Texas, Rule 82, Sanitary Code, regulating the shipment of dead bodies not by express, and providing that such shipment may be made unaccompanied

by a person in charge, provided two passenger tickets of the first class marked 'corpse' for the transportation of said body with a transit permit showing physician's or coroner's certificate shall be presented to the railroad company; name of deceased, hour of death, date of death, age, cause of death and if a contagious disease the names of those authorized by the health authorities to accompany the body, regulating the issuance of the transit permits; declaring an emergency."

S. B. No. 418, A bill to be entitled "An Act, regulating the taking of minnows in Bosque County; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

S. B. No. 422, A bill to be entitled "An Act providing for the taking of channel or opelousas catfish or any perch at any time by ordinary hook and line in the fresh waters of Bosque County, Texas; repealing all laws and parts of laws therewith to the extent of the conflict only; and declaring an emergency."

S. B. No. 432, A bill to be entitled "An Act to amend Section 8 of H. B. No. 226, Chapter 4, Acts 1935, Forty-fourth Legislature, Regular Session, page 11, as amended by Section 1 of H. B. No. 82, Chapter 34, Acts 1937, Forty-fifth Legislature, Second Called Session, page 1915, to provide that the Special District Court of Gregg County, Texas, created by H. B. No. 226 of the Regular Session of the Forty-fourth Legislature, shall automatically cease to exist upon the effective date of this Act; and declaring an emergency."

H. B. No. 755, A bill to be entitled "An Act providing that the closed season on fishing in Blanco County shall be for the months of February, March, and April; providing that otherwise the fishing laws of H. B. No. 1114, Acts of the Forty-sixth Legislature, applying to Blanco County and certain other counties, shall be and remain in force in Blanco County; and declaring an emergency."

H. B. No. 784, A bill to be entitled "An Act validating the incorporation of certain cities and towns of more than six hundred (600) and less than two thousand (2,000) inhabitants, heretofore incorporated and/or attempted to be incorporated under

the General Laws of Texas, Title 28, Revised Civil Statutes of Texas, 1925; and validating all governmental proceedings performed by the governing bodies of such cities and towns since their corporation or attempted incorporation, respectively; providing the provisions hereof shall affect no city or town now in litigation; and declaring an emergency."

H. B. No. 794, A bill to be entitled "An Act making it unlawful for a period of five years to kill or take any raccoon or mink, or possess the green hide of same, or offer same for sale in Red River County; providing a penalty for violation of this Act; repealing conflicting laws; and declaring an emergency."

H. B. No. 802, A bill to be entitled "An Act making it unlawful to kill or attempt to kill wild turkey or trap or molest same in Newton and Jasper Counties for a period of five years; providing a penalty; repealing all conflicting laws and declaring an emergency."

H. B. No. 816, A bill to be entitled "An Act to create Road District No. Seven, of Lavaca County, Texas; defining its boundaries; conferring upon said road district all the rights, powers, privileges and duties now conferred and imposed by the General Laws of Texas upon road districts; providing that any territory within the bounds of said district, as created by this Act, shall remain chargeable with any and all outstanding bonded indebtedness heretofore voted by such territory; enacting provisions incidental and necessary to the subject and purpose of this Act; authorizing and empowering the Commissioners' Court of Lavaca County, Texas, to proceed in the issuance of bonds of said district created by this Act in the manner provided by general law for the issuance of road district bonds in ordinary road districts; providing that nothing in this Act shall be construed as affecting the organization and establishment of Road District No. 2, of Lavaca County, Texas, as created by Chapter 390, of the Special Laws passed by the Thirty-ninth Legislature of this State, at its First Called Session in 1926 (a portion of the territory of said district being included in Section 1, of this Act), but the said road district No. 2 shall continue to operate as a defined road

district over the territory included within its limits, described and defined in that certain order of the Commissioner's Court of Lavaca County, Texas; passed and adopted by said court on the 14th day of April, 1919; recorded in Book M, page 160, et seq., of the minutes of the commissioners' court of said county, and to which order reference is made by said Chapter 390, creating the said road district No. 2; and nothing herein shall be construed as prohibiting the territory now included within said road district No. 2 from hereafter issuing road bonds on its faith and credit, within the limitations prescribed by Section 52, Article 3, of the Constitution of this State; and declaring an emergency."

H. B. No. 826, A bill to be entitled "An Act making it lawful to take or attempt to take any fish from the waters of the Pedernales River in Blanco County, Texas, by any method, means, or device equipped with more than two (2) hooks, including trot lines; repealing all laws in conflict; and declaring an emergency."

#### Reference of House Concurrent Resolutions

The following resolutions, previously received from the House, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 90, to Committee on Federal Relations.

H. C. R. No. 93, to Committee on Judicial Districts.

#### Motion to Set Senate Bill 8 as a Special Order

The Senate resumed consideration of the motion to set S. B. No. 8 as a special order for Tuesday, April 29, 1941.

The motion was lost by the following vote (not receiving the necessary two-thirds vote):

#### Yeas—16

Brownlee	Lovelady
Chadick	Martin
Cotten	Mauritz
Formby	Metcalfe
Graves	Ramsey
Hazlewood	Stone
Lanning	Sulak
Lemens	Vick

#### Nays—14

Aikin	Moore
Beck	Shivers
Fain	Smith
Hill	Van Zandt
Isbell	Weinert
Kelley	Winfield
Moffett	York

#### Absent—Excused

Spears

#### Senate Concurrent Resolution 40

Senator Shivers offered the following resolution:

S. C. R. No. 40, Granting permission to the Federal Crude Oil Company to sue the State.

Whereas, The Federal Crude Oil Company is a domestic corporation, duly incorporated under the laws of this State of Texas, on the 23rd day of April, 1901; and

Whereas, The said Federal Crude Oil Company, after its incorporation, began doing business in Texas, and paid all its franchise taxes yearly from the date of its incorporation to the year 1905, under the then existing franchise tax statute; and

Whereas, Upon its failure to pay its franchise tax for the year 1904, on the 1st day of July 1905, its right to do business was forfeited by the Secretary of State, entering a memorandum "right to do business forfeited" as provided by statute, and that thereafter the Federal Crude Oil Company did no business and attempted to do no business in the State of Texas, or elsewhere, until its right to do business was reinstated by the Secretary of State on the 5th day of June, 1928; and

Whereas, The Secretary of State required that the Federal Crude Oil Company, as a condition for its reinstatement to do business, pay the yearly franchise tax with interest and penalties thereon for the time it was not doing business and for each of the years, including 1905, through and down to the year 1928, amounting to the sum of Ten Thousand Five Hundred (\$10,500.00) Dollars, which sum was exacted of the Federal Crude Oil Company by the Secretary of State, and under protest duly entered, at the time was paid to the Secretary of State for reinstatement of its right to do business; and

Whereas, The Federal Crude Oil Company at the time protested that the Secretary of State had no authority under the franchise tax statute, or any other law, to collect the franchise tax, interest and penalty thereon for the years that the Federal Crude Oil Company was not doing business, to-wit: for and including the year 1905, and each year thereafter, down to the year 1928, but that the Secretary of State exacted from the Federal Crude Oil Company and received from the Federal Crude Oil Company under its protest said franchise taxes, penalties and interest for said years, amounting to the said sum of Ten Thousand Five Hundred (\$10,500.00) Dollars; and

Whereas, There is no provision of law whereby this sum of money so exacted and paid can be returned by the State to the Federal Crude Oil Company, or the amount of same accurately and definitely determined; and

Whereas, In order to definitely and accurately determine the same, it is the policy of this Legislature to let a court of competent jurisdiction pass upon the same; therefore, be it

Resolved by the Texas Senate with the House of Representatives concurring, That the Federal Crude Oil Company be and the same is hereby granted permission to bring suit against the State of Texas, in any court of competent jurisdiction in Travis County, Texas; to determine definitely and accurately what amount of taxes, penalty and interest thereon, if any, have been heretofore illegally exacted of the Federal Crude Oil Company by the State of Texas, and paid to the State of Texas, as franchise taxes, penalty and interest thereon, and service of citations of such suit may be served upon the State of Texas, by serving the Attorney General, Secretary of State and the Comptroller of Public Accounts.

The resolution was read and was referred to the Committee on State Affairs.

#### House Concurrent Resolution 84

The President laid before the Senate for consideration at this time:

H. C. R. No. 84, Granting James Morgan permission to sue the State.

The resolution was read and was adopted.

#### Message from the House

The Assistant Reading Clerk of the House was recognized to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
April 18, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 926, A bill to be entitled "An Act to amend Section 1 of Article 5138, Revised Civil Statutes of Texas, 1925, as amended by Acts 1931, Forty-second Legislature, Special Laws, page 189, Chapter 88, to empower and authorize counties having a population of three hundred ninety thousand (390,000) inhabitants or more and less than four hundred fifty thousand (450,000) inhabitants, and containing a city having a population of two hundred ninety thousand (290,000) inhabitants or more, according to the last preceding Federal Census, jointly with such city to establish, own, and operate a parental home and school for the training of dependent and delinquent youth resident of that county or city; and declaring an emergency."

The House has concurred in Senate amendments to H. B. No. 804 by a vote of 117 yeas, 0 noes.

The House has concurred in Senate amendments to H. B. No. 288 by a vote of 123 yeas, 0 noes.

The House refused to concur in Senate amendments to H. B. No. 247 and has requested the appointment of a Conference Committee to consider the differences between the two Houses.

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bills and Joint Resolution on First Reading

The following House bills and resolution, previously received from the House, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 193, to Committee on Civil Jurisprudence.

H. B. No. 831, to Committee on Civil Jurisprudence.

H. B. No. 926, to Committee on Civil Jurisprudence.

H. J. R. No. 1, to Committee on Constitutional Amendments.

#### House Concurrent Resolution 64

On motion of Senator Smith and by unanimous consent, the regular order of business was suspended, to permit consideration of H. C. R. No. 64 at this time.

The President laid before the Senate for consideration at this time:

H. C. R. No. 64, Granting J. H. Ferrel, Trustee, permission to make the State of Texas a party defendant in a suit to foreclose vendor's lien against a certain lot in Abilene.

The resolution was read and was adopted.

#### House Bill 759 on Second Reading

On motion of Senator Moffett and by unanimous consent, the regular order of business was suspended, to permit consideration of H. B. No. 759 at this time.

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 759, A bill to be entitled "An Act fixing the compensation of tax assessor-collector in all counties having a population of more than seventy thousand (70,000) and not more than eighty thousand (80,000) according to the last preceding Federal Census, and with an assessed valuation of more than Forty Million (\$40,000,000.00) Dollars; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following amendment to the bill:

Amend H. B. No. 759 by inserting the following after the word "Census" in the third line of Section 1: "or any future Federal Census."

The amendment was adopted.

The bill was passed to third reading.

#### House Bill 759 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be sus-

pended and that H. B. No. 759 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

Absent—Excused

Spears

#### Signing of Bills and Resolution

The President signed in the presence of the Senate, after their captions had been read, the following enrolled bills and resolution:

H. B. No. 409, A bill to be entitled "An Act to amend Article 1645, Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and



Special Laws passed at the First Called Session of the Fortieth Legislature as amended by Chapter 28, General and Special Laws passed at the First Called Session of the Forty-first Legislature, as amended by Chapter 15, General and Special Laws, passed at the Second Called Session of the Forty-second Legislature as amended by Chapter 4, Special Laws passed at the Regular Session of the Forty-sixth Legislature, relating to the appointment and compensation of county auditors in counties containing a population of thirty-five thousand (35,000) inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of Fifteen Million (\$15,000,000.00) Dollars, according to the last approved tax rolls; etc.; and providing that if any portion of this Act be declared unconstitutional or invalid, the remainder shall not be affected thereby; and declaring an emergency."

H. B. No. 717, A bill to be entitled "An Act amending Chapter 56, page 806, Special Laws of the Forty-sixth Legislature, 1939, as it pertains to Menard County, Texas; prohibiting the taking of fish in Menard County with any device equipped with more than two (2) hooks, prohibiting the use of floats except in certain cases, except artificial bait used with a rod and reel and excepting a twenty (20) foot minnow seine for the purpose of taking minnows for bait; providing size limits and bag limits for fish taken in said county; providing a closed season during the months of March and April; prohibiting the sale of any fresh water fish in said county; providing a penalty for any violation of this Act; prohibiting the taking of minnows for the purpose of sale or transporting more than two hundred (200) minnows from any county named in this Act; repealing all general and special laws in so far as they conflict with this Act; and declaring an emergency."

H. B. No. 808, A bill to be entitled "An Act making it lawful to hunt, take, and kill squirrels in Sutton County, Texas, at any time and declaring an open season for hunting squirrels in such county; repealing all laws or parts of laws in conflict; and declaring an emergency."

H. C. R. No. 97, Providing for a Joint Session of the House and Senate

at 10:30 on the morning of Friday, April 18, 1941.

### Adjournment

Senator Metcalfe moved that the Senate adjourn until 10:00 o'clock a. m. Monday, April 21, 1941.

The motion prevailed; and the Senate, accordingly, at 12:20 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, April 21, 1941.

### FIFTY-SEVENTH DAY

(Monday, April 21, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Sulak
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	York

### Absent—Excused

Martin	Winfield
Spears	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of Friday, April 18, 1941, was dispensed with and the Journal was approved.

### Leaves of Absence Granted

Senator Spears was granted leave of absence for today on account of important business, on motion of Senator Graves.

Senator Hill was granted leave of absence for today on account of important business, on motion of Senator Cotten.

Senator Winfield was granted leave of absence for today on account of